

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Allen Aikens,¹

Plaintiff,

Case No. 23-12435

v.

Judith E. Levy

United States District Judge

Aaron Lashley,² *et al.*,

Mag. Judge Kimberly G. Altman

Defendants.

_____/

ORDER ADOPTING REPORT AND RECOMMENDATION [23]

Before the Court is Magistrate Judge Kimberly G. Altman’s Report and Recommendation (“R&R”) (ECF No. 23) recommending the Court grant Defendants’ motion to dismiss, deny Defendants’ motion for summary judgment for failure to exhaust (ECF No. 19), and dismiss the case. The parties were required to file specific written objections, if any, within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d).

¹ As stated in the R&R, Plaintiff’s name may be Allen Atkins. (ECF No. 23, PageID.123 n.2.) The Court will refer to Plaintiff as “Allen Aikens” because that is the name he uses in the complaint.

² At the time of filing the complaint, Plaintiff was unaware of Defendant Lashley’s first name. (ECF No. 1, PageID.2.) Defendants’ motion to dismiss and for summary judgment clarifies Defendant Lashley’s full name.

No objections were filed.³ The Court has nevertheless carefully reviewed the R&R and concurs in the result. Accordingly,

The Report and Recommendation (ECF No. 23) is ADOPTED;

Defendants' motion to dismiss (ECF No. 19) is GRANTED;

Defendants' motion for summary judgment (*Id.*) is DENIED AS MOOT; and

This case is hereby DISMISSED.⁴

IT IS SO ORDERED.

Dated: October 15, 2024
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

³ As noted in the R&R, Plaintiff did not file a response to Defendants' motion to dismiss and for summary judgment. (ECF No. 23, PageID.128–129.) In fact, Plaintiff has not filed anything in this case since he initiated the suit in September 2023, failed to inform the Court of his change in address (*Id.* at PageID.129), and has not filed any objections as of this date.

⁴ By failing to object to the Report and Recommendation, the parties have forfeited any further right of appeal. *United States v. Wandahsega*, 924 F.3d 868, 878 (6th Cir. 2019); *see also Berkshire v. Beauvais*, 928 F.3d 520, 530 (6th Cir. 2019).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 15, 2024.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager